

AMENDED IN ASSEMBLY JUNE 16, 2014

AMENDED IN ASSEMBLY JUNE 9, 2014

AMENDED IN SENATE MAY 1, 2014

**SENATE BILL**

**No. 1467**

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**Introduced by Committee on Business, Professions and Economic Development (Senators Lieu (Chair), Berryhill, Block, Corbett, Galgiani, Hernandez, Hill, Padilla, and Wyland)**

March 25, 2014

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An act to amend Sections 5000, 5070, 5070.5, 5093, 5096, 5096.4, 6730.2, 6735, 6759, 7011.4, ~~7685~~, 7842, 7860, 8771, 17901, 17913, 17914, 17916, and 22454 of, and to add Sections 7864 and 8725.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1467, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Under existing law, the California Board of Accountancy licenses and regulates accountants. *The board consists of 15 members, and of those the Governor is required to appoint 7 members who are licensees representing a cross section of the accounting profession with at least 2 members representing a small public professional firm, as defined.* Existing law prohibits a person from engaging in the practice of public accountancy in this state unless he or she holds either a valid permit issued by the board or a practice privilege, as specified. Existing law requires an applicant for registration to furnish satisfactory evidence that the applicant is entitled to registration.

This bill would *delete the requirement that 2 of the board members represent a small public professional firm.* The bill would authorize the

board to collect, but not require, a valid electronic mail address at the time of application for, or renewal of, a certified public accountant license. The bill would provide that these electronic mail addresses shall not be considered public records and would prohibit these electronic mail addresses from being disclosed pursuant to specified provisions of law, unless required pursuant to a court order.

Existing law sets forth education, examination, and experience requirements for a certified public accountant license, and requires an applicant to show, to the satisfaction of the board, that he or she has one year of qualifying experience, including any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills. Existing law requires the experience to have been performed in accordance with applicable professional standards in order to qualify, and to be completed under the supervision or in the employ of a person licensed to engage in the practice of public accountancy, as specified.

This bill would authorize the board, by regulation, to allow experience in academia to satisfy the one-year requirement described above.

Existing law, until January 1, 2019, authorizes an individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state to engage in the practice of public accountancy in this state under a practice privilege without obtaining a certificate or license, if certain conditions are met. Existing law subjects an individual who holds a practice privilege to certain requirements, including, among others, that the individual shall notify the board of any pending criminal charges, other than a minor traffic violation, in any jurisdiction.

This bill would instead subject an individual holding and exercising a practice privilege in this state to the requirements described above. The bill would also require the individual to report the criminal charges described above to the board in writing within 30 days of the date the individual has knowledge of those charges.

Existing law, until January 1, 2019, authorizes the board to administratively suspend an individual's right to practice in this state under a practice privilege at any time by an order issued by the board or its executive officer, without prior notice or hearing, for the purpose of conducting a disciplinary investigation, proceeding, or inquiry concerning the representations made in the notice, the individual's competence or qualifications to practice under practice privileges, failure to timely respond to a board inquiry or request for information or

documents, or under other conditions and circumstances provided for by board regulation. Existing law, beginning January 1, 2019, additionally requires the board to consult the Public Company Accounting Oversight Board (PCAOB) and the United States Securities and Exchange Commission on an every 6-month basis to identify out-of-state licensees who may have disqualifying conditions, or may be obliged to cease practice, and to disclose whether those out-of-state licensees are lawfully permitted to exercise the privilege. Existing law provides that disclosure of this information is not to be considered discipline.

This bill would instead require the board to consult with the PCAOB and the United States Securities and Exchange Commission at least once every 6 months, as specified, until January 1, 2019, and would delete those provisions after that date.

This bill would make technical, nonsubstantive changes, and would delete an obsolete provision.

(2) The Professional Engineers Act provides for the regulation and licensure of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law requires all civil engineering plans, calculations, specifications, and reports to be prepared by, or under the responsible charge of, a licensed civil engineer, as specified.

This bill would require all civil engineering plans, calculations, specifications, and reports for the construction of all hospitals and other medical facilities having surgery and emergency treatment areas, and all public school facilities, to be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.

Existing law requires an applicant for registration as a professional engineer, among other things, to furnish evidence of 6 years or more of qualifying experience in engineering work, as specified, and to successfully pass the second division of the licensure examination. Existing law authorizes the board to issue a certificate of registration as a professional engineer, without a written examination, to a person holding a certificate of registration issued by another state or country if the applicant's qualifications meet the requirements of the act. For purposes of these provisions, the act requires equivalent second division examinations to be 8-hour written examinations prepared or administered by a state or territory, as specified.

This bill would delete the requirement that an equivalent second division examination be an 8-hour examination.

(3) Under the Contractors' State License Law, the Contractors' State License Board licenses and regulates contractors. Under existing law, there is within the board a separate enforcement division that is required to rigorously enforce the act. Existing law specifies that persons employed as enforcement representatives in this division, and designated by the Director of Consumer Affairs, are not peace officers and are not entitled to safety member retirement benefits.

This bill would make technical, nonsubstantive changes to these provisions.

~~(4) Existing law, the Funeral Directors and Embalmers Law, regulates licensed funeral establishments and requires that they be operated by a licensed funeral director who is required to provide written information regarding funeral services and prices to consumers, as specified. Existing law requires a licensed funeral establishment that maintains an Internet Web site to also post on its Internet Web site the list of funeral goods and services that are required to be included in its general price list, as specified, and requires that information to be provided by a link from the homepage of its Internet Web site, except as specified. A violation of the act is a misdemeanor.~~

~~This bill would require that link to use the words "price information" or a similar phrase that includes the word "price." Because the bill would establish a new crime, the bill would create a state-mandated local program.~~

~~(5)~~

(4) Under the Geologist and Geophysicist Act, the Board for Professional Engineers, Land Surveyors, and Geologists registers and regulates professional geologists and professional geophysicists and certifies applicants in specialties in geology and geologists-in-training. Existing law requires an applicant seeking certification as a petroleum geologist to meet certain requirements including, among other things, having performed a minimum of 3 years of professional geological work under the supervision of a registered petroleum engineer.

This bill would delete the provisions relating to petroleum geologists described above. The bill would also make technical, nonsubstantive changes to one of these provisions.

Existing law, under the Geologist and Geophysicist Act, sets forth procedures for the discipline of a registrant or certificate holder, as specified, subject to provisions governing administrative proceedings.

This bill would set forth additional procedures that would apply to a registrant or certificate holder who has been subject to discipline and who petitions the board for reinstatement or modification of penalty, as specified.

(6)

(5) Existing law, the Professional Land Surveyors' Act, provides for the licensing and regulation of professional land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. The act requires that land survey monuments be set sufficient in number and durability and efficiently placed so as not to be readily disturbed and to assure the perpetuation or easy reestablishment of a survey point or line. The act makes a violation of its provisions a misdemeanor.

The Professional Engineers Act provides for the licensing and regulation of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. The act states the intent of the Legislature that the act's registration requirements that are imposed on private professional engineers are also imposed on public entities and requires that at least one registered engineer be designated the person in responsible charge of professional engineering work for each branch of professional engineering practiced in any department or agency of the state, city, county, or city and county. The act makes a violation of its provisions a misdemeanor.

This bill would require that at least one person authorized to practice land surveying be designated the person in responsible charge of professional land surveying work practiced in any department or agency of the state, city, county, city and county, district, or special district. The bill would revise nomenclature associated with actions that affect land survey monuments. The bill would require that the governmental agency performing or permitting construction or maintenance work be responsible for ensuring that the landowner or governmental agency performing the work provides for monument perpetuation. The bill would require that the designated person in responsible charge of professional engineering work for a governmental entity, pursuant to the Professional Engineers Act, be responsible for the requirements associated with monuments under the Professional Land Surveyors' Act, as described above. By creating new duties for local officials and expanding the definition of a crime, the bill would impose a state-mandated local program.

(7)

(6) Existing law requires a person transacting business in the state under a fictitious name, as defined, to file, with the county clerk of the county where the business is located, a statement including specified information and to declare that the information is true and correct. Existing law requires that a registrant or an agent filing on behalf of a registrant present a California driver's license or other personal government identification acceptable to the county clerk to adequately determine the registrant's identity or agent's identity, as specified. Existing law authorizes the county clerk to require the registrant to complete and sign an affidavit of identity statement on a form prescribed by the county clerk, and to require an agent submitting the filings on behalf of a registrant to also complete and sign an affidavit of identity statement declaring that the registrant has authorized the agent to make the filings on behalf of the registrant. Existing law requires a registrant that is a corporation, limited liability company, or limited liability partnership, and that is required by the county clerk to file an affidavit of identity statement, to submit with its affidavit a certificate of status issued by the Secretary of State certifying to that business entity's existence and good standing.

This bill would instead authorize the county clerk to require a registrant that is a corporation, limited partnership, limited liability company, or limited liability partnership to submit documentary evidence issued by the Secretary of State indicating the current existence and good standing of that business entity, deemed acceptable by the county clerk, with a notarized affidavit of identity. The bill would further authorize the county clerk to require an agent filing on behalf of the registrant to submit a notarized statement signed by the registrant declaring the registrant has authorized the agent to submit the filing. The bill would also make clarifying changes to these provisions.

~~(8)~~

(7) Existing law defines and regulates the activities of professional photocopiers, as defined. Existing law requires a professional photocopier to be registered by the county clerk, and provides that a certificate of registration is effective for a 2-year period. Existing law also requires at least one person involved in the management of a professional photocopier to be a licensed notary public. Failure to comply with these provisions is a misdemeanor.

This bill would require the notary commission to remain valid during the 2-year period that the professional photocopier's certificate of registration is effective. The bill would also require the registrant to

notify the county clerk and provide an updated valid notary commission if the commission expires prior to the expiration of the certificate of registration. By expanding a crime, the bill would create a state-mandated local program.

(9)

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(10)

(9) Existing constitutional provisions require that a statute that limits the right of access to meetings of public bodies or the writings of public officials and agencies be adopted with findings and declarations demonstrating the interest protected by that limitation and the need for protecting that interest.

This bill would make a legislative finding and declaration relating to the necessity of treating as confidential electronic mail addresses provided to the California Board of Accountancy in order to protect the privacy of those individuals applying for a certified public accountant license.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that in order  
2 to protect the privacy of those individuals applying for a certified  
3 public accountant license, it is necessary that electronic mail  
4 addresses provided to the California Board of Accountancy  
5 pursuant to Sections 2 and 3 of this act be confidential.

6 SEC. 2. Section 5000 of the Business and Professions Code is  
7 amended to read:

8 5000. (a) There is in the Department of Consumer Affairs the  
9 California Board of Accountancy, which consists of 15 members,  
10 7 of whom shall be licensees, and 8 of whom shall be public

1 members who shall not be licentiates of the board or registered by  
2 the board. The board has the powers and duties conferred by this  
3 chapter.

4 ~~The~~

5 (b) *The* Governor shall appoint four of the public members, and  
6 the seven licensee members as provided in this section. The Senate  
7 Committee on Rules and the Speaker of the Assembly shall each  
8 appoint two public members. In appointing the seven licensee  
9 members, the Governor shall appoint ~~members~~ *individuals*  
10 representing a cross section of the accounting profession with at  
11 least two members representing a small public accounting firm.  
12 ~~For the purposes of this chapter, a small public accounting firm~~  
13 ~~shall be defined as a professional firm that employs a total of no~~  
14 ~~more than four licensees as partners, owners, or full-time~~  
15 ~~employees in the practice of public accountancy within the State~~  
16 ~~of California.~~ *profession.*

17 ~~This~~

18 (c) *This* section shall remain in effect only until January 1, 2016,  
19 and as of that date is repealed, unless a later enacted statute, that  
20 is enacted before January 1, 2016, deletes or extends that date.

21 ~~Notwithstanding~~

22 (d) *Notwithstanding* any other provision of law, the repeal of  
23 this section renders the board subject to review by the appropriate  
24 policy committees of the Legislature. However, the review of the  
25 board shall be limited to reports or studies specified in this chapter  
26 and those issues identified by the appropriate policy committees  
27 of the Legislature and the board regarding the implementation of  
28 new licensing requirements.

29 ~~SEC. 2.~~

30 *SEC. 3.* Section 5070 of the Business and Professions Code is  
31 amended to read:

32 5070. (a) Permits to engage in the practice of public  
33 accountancy in this state shall be issued by the board only to  
34 holders of the certificate of certified public accountant issued under  
35 this chapter and to those partnerships, corporations, and other  
36 persons who, upon application approved by the board, are  
37 registered with the board under this chapter. Notwithstanding any  
38 other law, the board may register an entity organized and authorized  
39 to practice public accountancy under the laws of another state for  
40 the purpose of allowing that entity to satisfy the registration

1 requirement set forth in Section 5096.12, if (1) the certified public  
2 accountants providing services in California qualify for the practice  
3 privilege, and (2) the entity satisfies all other requirements to  
4 register in this state, other than its form of legal organization.

5 (b) All applicants for registration shall furnish satisfactory  
6 evidence that the applicant is entitled to registration and shall pay  
7 the fee as provided in Article 8 (commencing with Section 5130).  
8 Every partnership, corporation, and other person to whom a permit  
9 is issued shall, in addition to any other fee that may be payable,  
10 pay the initial permit fee provided in Article 8 (commencing with  
11 Section 5130).

12 (c) The board may collect, but shall not require, a valid  
13 electronic mail address at the time of application for a certified  
14 public accountant license. In the interest of protecting an  
15 applicant's privacy, the electronic mail address shall not be  
16 considered a public record and shall not be disclosed pursuant to  
17 Section 27 or pursuant to a request under the California Public  
18 Records Act (Chapter 3.5 (commencing with Section 6250) of  
19 Division 7 of Title 1 of the Government Code), unless required  
20 pursuant to a court order by a court of competent jurisdiction.

21 (d) Each partnership, corporation, and other person issued a  
22 permit by the board to practice as a certified public accountant or  
23 as a public accountant shall be furnished with a suitable certificate  
24 evidencing that registration.

25 ~~SEC. 3.~~

26 *SEC. 4.* Section 5070.5 of the Business and Professions Code  
27 is amended to read:

28 5070.5. (a) (1) A permit issued under this chapter to a certified  
29 public accountant or a public accountant expires at 12 midnight  
30 on the last day of the month of the legal birthday of the licensee  
31 during the second year of a two-year term if not renewed.

32 (2) To renew an unexpired permit, a permitholder shall, before  
33 the time at which the permit would otherwise expire, apply for  
34 renewal on a form prescribed by the board, pay the renewal fee  
35 prescribed by this chapter, and give evidence satisfactory to the  
36 board that he or she has complied with the continuing education  
37 provisions of this chapter.

38 (3) The board may collect, but shall not require, a valid  
39 electronic mail address on the renewal form described in paragraph  
40 (1). In the interest of protecting an applicant's privacy, the

1 electronic mail address shall not be considered a public record and  
2 shall not be disclosed pursuant to Section 27 or pursuant to a  
3 request under the California Public Records Act (Chapter 3.5  
4 (commencing with Section 6250) of Division 7 of Title 1 of the  
5 Government Code), unless required pursuant to a court order by  
6 a court of competent jurisdiction.

7 (b) A permit to practice as an accountancy partnership or an  
8 accountancy corporation expires at 12 midnight on the last day of  
9 the month in which the permit was initially issued during the  
10 second year of a two-year term if not renewed. To renew an  
11 unexpired permit, the permit holder shall, before the time at which  
12 the permit would otherwise expire, apply for renewal on a form  
13 prescribed by the board, pay the renewal fee prescribed by this  
14 chapter, and provide evidence satisfactory to the board that the  
15 accountancy partnership or accountancy corporation is in  
16 compliance with this chapter.

17 ~~SEC. 4.~~

18 *SEC. 5.* Section 5093 of the Business and Professions Code is  
19 amended to read:

20 5093. (a) To qualify for the certified public accountant license,  
21 an applicant who is applying under this section shall meet the  
22 education, examination, and experience requirements specified in  
23 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to  
24 this article. The board may adopt regulations as necessary to  
25 implement this section.

26 (b) (1) An applicant for admission to the certified public  
27 accountant examination under this section shall present satisfactory  
28 evidence that the applicant has completed a baccalaureate or higher  
29 degree conferred by a degree-granting university, college, or other  
30 institution of learning accredited by a regional or national  
31 accrediting agency included in a list of these agencies published  
32 by the United States Secretary of Education under the requirements  
33 of the federal Higher Education Act of 1965 as amended (20 U.S.C.  
34 Sec. 1001 et seq.), or meeting, at a minimum, the standards  
35 described in subdivision (c) of Section 5094. The total educational  
36 program shall include a minimum of 24 semester units in  
37 accounting subjects and 24 semester units in business-related  
38 subjects. This evidence shall be provided at the time of application  
39 for admission to the examination, except that an applicant who  
40 applied, qualified, and sat for at least two subjects of the

1 examination for the certified public accountant license before May  
2 15, 2002, may provide this evidence at the time of application for  
3 licensure.

4 (A) An applicant enrolled in a program at an institution as  
5 described in this paragraph that grants conferral of a baccalaureate  
6 degree upon completion of the 150 semester units required by  
7 paragraph (2) of this subdivision may satisfy the requirements of  
8 this paragraph if the applicant's institution mails the applicant's  
9 official transcript or its equivalent together or separately with a  
10 letter signed by the institution's registrar, or its equivalent, directly  
11 to the board pursuant to subdivision (c) of Section 5094. The letter  
12 shall include all of the following:

13 (i) A statement that the applicant is enrolled and in good  
14 standing in a program that will result in the conferral of a  
15 baccalaureate degree upon completion of either a master's degree  
16 or the 150 semester units required by paragraph (2) of this  
17 subdivision.

18 (ii) A statement that the applicant has completed all  
19 requirements, including general education and elective  
20 requirements, for a baccalaureate degree and the only reason the  
21 college or university has yet to confer the degree is because the  
22 applicant is enrolled in a program that confers a baccalaureate  
23 degree upon completion of either a master's degree or the 150  
24 semester units required by paragraph (2) of this subdivision.

25 (iii) The date on which the applicant met all of the college's or  
26 university's requirements for conferral of a baccalaureate degree.

27 (B) The total educational program for an applicant described in  
28 subparagraph (A) shall include a minimum of 24 semester units  
29 in accounting subjects and 24 semester units in business-related  
30 subjects. This evidence shall be provided at the time of application  
31 for admission to the examination, except that an applicant who  
32 applied, qualified, and sat for at least two subjects of the  
33 examination for the certified public accountant license before May  
34 15, 2002, may provide this evidence at the time of application for  
35 licensure.

36 (2) An applicant for issuance of the certified public accountant  
37 license under this section shall present satisfactory evidence that  
38 the applicant has completed at least 150 semester units of college  
39 education, including a baccalaureate or higher degree conferred  
40 by a college or university, meeting, at a minimum, the standards

1 described in Section 5094, the total educational program to include  
2 a minimum of 24 semester units in accounting subjects, 24 semester  
3 units in business-related subjects, and, after December 31, 2013,  
4 shall also include a minimum of 10 units of ethics study consistent  
5 with the requirements set forth in Section 5094.3 and 20 units of  
6 accounting study consistent with the regulations promulgated under  
7 subdivision (c) of Section 5094.6. This evidence shall be presented  
8 at the time of application for the certified public accountant license.  
9 Nothing in this paragraph shall be deemed inconsistent with Section  
10 5094 or 5094.6. Nothing in this paragraph shall be construed to  
11 be inconsistent with prevailing academic practice regarding the  
12 completion of units.

13 (c) An applicant for the certified public accountant license shall  
14 pass an examination prescribed by the board.

15 (d) (1) The applicant shall show, to the satisfaction of the board,  
16 that the applicant has had one year of qualifying experience. This  
17 experience may include providing any type of service or advice  
18 involving the use of accounting, attest, compilation, management  
19 advisory, financial advisory, tax, or consulting skills.

20 (2) To be qualifying under this section, experience shall have  
21 been performed in accordance with applicable professional  
22 standards. Experience in public accounting shall be completed  
23 under the supervision or in the employ of a person licensed or  
24 otherwise having comparable authority under the laws of any state  
25 or country to engage in the practice of public accountancy.  
26 Experience in private or governmental accounting or auditing shall  
27 be completed under the supervision of an individual licensed by  
28 a state to engage in the practice of public accountancy.

29 (3) Notwithstanding paragraph (2), the board may, by regulation,  
30 allow experience in academia to be qualifying under this section.

31 (e) Applicants completing education at a college or university  
32 located outside of this state, meeting, at a minimum, the standards  
33 described in Section 5094, shall be deemed to meet the educational  
34 requirements of this section if the board determines that the  
35 education is substantially equivalent to the standards of education  
36 specified under this chapter.

37 (f) An applicant who has successfully passed the examination  
38 requirement specified under Section 5082 on or before December  
39 31, 2013, may qualify for the certified public accountant license  
40 without satisfying the 10 semester units of study set forth in Section

1 5094.3 or 20 semester units of accounting study consistent with  
2 the regulations promulgated under Section 5094.6, if the applicant  
3 completes all other requirements for the issuance of a license on  
4 or before December 31, 2015.

5 ~~SEC. 5.~~

6 *SEC. 6.* Section 5096 of the Business and Professions Code,  
7 as amended by Section 3 of Chapter 319 of the Statutes of 2013,  
8 is amended to read:

9 5096. (a) An individual whose principal place of business is  
10 not in this state and who has a valid and current license, certificate,  
11 or permit to practice public accountancy from another state may,  
12 subject to the conditions and limitations in this article, engage in  
13 the practice of public accountancy in this state under a practice  
14 privilege without obtaining a certificate or license under this  
15 chapter if the individual satisfies one of the following:

16 (1) The individual has continually practiced public accountancy  
17 as a certified public accountant under a valid license issued by any  
18 state for at least 4 of the last 10 years.

19 (2) The individual has a license, certificate, or permit from a  
20 state that has been determined by the board to have education,  
21 examination, and experience qualifications for licensure  
22 substantially equivalent to this state's qualifications under Section  
23 5093.

24 (3) The individual possesses education, examination, and  
25 experience qualifications for licensure that have been determined  
26 by the board to be substantially equivalent to this state's  
27 qualifications under Section 5093.

28 (b) The board may designate states as substantially equivalent  
29 under paragraph (2) of subdivision (a) and may accept individual  
30 qualification evaluations or appraisals conducted by designated  
31 entities, as satisfying the requirements of paragraph (3) of  
32 subdivision (a).

33 (c) An individual who qualifies for the practice privilege under  
34 this section may engage in the practice of public accountancy in  
35 this state, and a notice, fee, or other requirement shall not be  
36 imposed on that individual by the board.

37 (d) An individual who qualifies for the practice privilege under  
38 this section may perform the following services only through a  
39 firm of certified public accountants that has obtained a registration  
40 from the board pursuant to Section 5096.12:

1 (1) An audit or review of a financial statement for an entity  
2 headquartered in California.

3 (2) A compilation of a financial statement when that person  
4 expects, or reasonably might expect, that a third party will use the  
5 financial statement and the compilation report does not disclose a  
6 lack of independence for an entity headquartered in California.

7 (3) An examination of prospective financial information for an  
8 entity headquartered in California.

9 (e) An individual who holds a practice privilege under this  
10 article, and is exercising the practice privilege in California:

11 (1) Is subject to the personal and subject matter jurisdiction and  
12 disciplinary authority of the board and the courts of this state.

13 (2) Shall comply with the provisions of this chapter, board  
14 regulations, and other laws, regulations, and professional standards  
15 applicable to the practice of public accountancy by the licensees  
16 of this state and to any other laws and regulations applicable to  
17 individuals practicing under practice privileges in this state, except  
18 the individual is deemed, solely for the purpose of this article, to  
19 have met the continuing education requirements and ethics  
20 examination requirements of this state when the individual has  
21 met the examination and continuing education requirements of the  
22 state in which the individual holds the valid license, certificate, or  
23 permit on which the substantial equivalency is based.

24 (3) Shall not provide public accountancy services in this state  
25 from any office located in this state, except as an employee of a  
26 firm registered in this state. This paragraph does not apply to public  
27 accountancy services provided to a client at the client's place of  
28 business or residence.

29 (4) Is deemed to have appointed the regulatory agency of the  
30 state that issued the individual's certificate, license, or permit upon  
31 which substantial equivalency is based as the individual's agent  
32 on whom notices, subpoenas, or other process may be served in  
33 any action or proceeding by the board against the individual.

34 (5) Shall cooperate with any board investigation or inquiry and  
35 shall timely respond to a board investigation, inquiry, request,  
36 notice, demand, or subpoena for information or documents and  
37 timely provide to the board the identified information and  
38 documents.

39 (6) Shall cease exercising the practice privilege in this state if  
40 the regulatory agency in the state in which the individual's

1 certificate, license, or permit was issued takes disciplinary action  
2 resulting in the suspension or revocation, including stayed  
3 suspension, stayed revocation, or probation of the individual's  
4 certificate, license, or permit, or takes other disciplinary action  
5 against the individual's certificate, license, or permit that arises  
6 from any of the following:

7 (A) Gross negligence, recklessness, or intentional wrongdoing  
8 relating to the practice of public accountancy.

9 (B) Fraud or misappropriation of funds.

10 (C) Preparation, publication, or dissemination of false,  
11 fraudulent, or materially incomplete or misleading financial  
12 statements, reports, or information.

13 (7) Shall cease exercising the practice privilege in this state if  
14 convicted in any jurisdiction of any crime involving dishonesty,  
15 including, but not limited to, embezzlement, theft, misappropriation  
16 of funds or property, or obtaining money, property, or other  
17 valuable consideration by fraudulent means or false pretenses.

18 (8) Shall cease exercising the practice privilege if the United  
19 States Securities and Exchange Commission or the Public Company  
20 Accounting Oversight Board bars the individual from practicing  
21 before them.

22 (9) Shall cease exercising the practice privilege if any  
23 governmental body or agency suspends the right of the individual  
24 to practice before the body or agency.

25 (10) Shall report to the board in writing any pending criminal  
26 charges, other than for a minor traffic violation, in any jurisdiction  
27 within 30 days of the date the individual has knowledge of those  
28 charges.

29 (f) An individual who is required to cease practice pursuant to  
30 paragraphs (6) to (9), inclusive, of subdivision (e) shall notify the  
31 board within 15 calendar days, on a form prescribed by the board,  
32 and shall not practice public accountancy in this state pursuant to  
33 this section until he or she has received from the board written  
34 permission to do so.

35 (g) An individual who fails to cease practice as required by  
36 subdivision (e) or who fails to provide the notice required by  
37 subdivision (f) shall be subject to the personal and subject matter  
38 jurisdiction and disciplinary authority of the board as if the practice  
39 privilege were a license and the individual were a licensee. An  
40 individual in violation of subdivision (e) or (f) shall, for a minimum

1 of one year from the date the board learns there has been a violation  
2 of subdivision (e) or (f), not practice in this state and shall not have  
3 the possibility of reinstatement during that period. If the board  
4 determines that the failure to cease practice or provide the notice  
5 was intentional, that individual's practice privilege shall be revoked  
6 and there shall be no possibility of reinstatement for a minimum  
7 of two years.

8 (h) The board shall require an individual who provides notice  
9 to the board pursuant to subdivision (f) to cease the practice of  
10 public accountancy in this state until the board provides the  
11 individual with written permission to resume the practice of public  
12 accountancy in this state.

13 (i) (1) An individual to whom, within the last seven years  
14 immediately preceding the date on which he or she wishes to  
15 practice in this state, any of the following criteria apply, shall notify  
16 the board, on a form prescribed by the board, and shall not practice  
17 public accountancy in this state pursuant to this section until the  
18 board provides the individual with written permission to do so:

19 (A) He or she has been the subject of any final disciplinary  
20 action by the licensing or disciplinary authority of any other  
21 jurisdiction with respect to any professional license or has any  
22 charges of professional misconduct pending against him or her in  
23 any other jurisdiction.

24 (B) He or she has had his or her license in another jurisdiction  
25 reinstated after a suspension or revocation of the license.

26 (C) He or she has been denied issuance or renewal of a  
27 professional license or certificate in any other jurisdiction for any  
28 reason other than an inadvertent administrative error.

29 (D) He or she has been convicted of a crime or is subject to  
30 pending criminal charges in any jurisdiction other than a minor  
31 traffic violation.

32 (E) He or she has otherwise acquired a disqualifying condition  
33 as described in subdivision (a) of Section 5096.2.

34 (2) An individual who fails to cease practice as required by  
35 subdivision (e) or who fails to provide the notice required by  
36 paragraph (1) shall be subject to the personal and subject matter  
37 jurisdiction and disciplinary authority of the board as if the practice  
38 privilege were a license and the individual were a licensee. An  
39 individual in violation of subdivision (e) or paragraph (1) shall,  
40 for a minimum of one year from the date the board knows there

1 has been a violation of subdivision (e) or paragraph (1), not practice  
2 in this state and shall not have the possibility of reinstatement  
3 during that period. If the board determines that the failure to cease  
4 practice or provide the notice was intentional, that individual shall  
5 be prohibited from practicing in this state in the same manner as  
6 if a licensee has his or her practice privilege revoked and there  
7 shall be no possibility of reinstatement for a minimum of two years.

8 (j) This section shall remain in effect only until January 1, 2019,  
9 and as of that date is repealed, unless a later enacted statute, that  
10 is enacted before January 1, 2019, deletes or extends that date.

11 ~~SEC. 6.~~

12 *SEC. 7.* Section 5096.4 of the Business and Professions Code,  
13 as added by Section 20 of Chapter 411 of the Statutes of 2012, is  
14 amended to read:

15 5096.4. (a) The right of an individual to practice in this state  
16 under a practice privilege may be administratively suspended at  
17 any time by an order issued by the board or its executive officer,  
18 without prior notice or hearing, for the purpose of conducting a  
19 disciplinary investigation, proceeding, or inquiry concerning the  
20 individual's competence or qualifications to practice under practice  
21 privileges, failure to timely respond to a board inquiry or request  
22 for information or documents, or under other conditions and  
23 circumstances provided for by board regulation. The board shall  
24 consult the Public Company Accounting Oversight Board and the  
25 United States Securities and Exchange Commission at least once  
26 every six months to identify out-of-state licensees who may have  
27 disqualifying conditions or who may be obliged to cease practice,  
28 and shall disclose, pursuant to this subdivision, whether those  
29 out-of-state licensees are lawfully permitted to exercise the  
30 privilege. Disclosure of this information shall not be considered  
31 discipline.

32 (b) The administrative suspension order is immediately effective  
33 when mailed to the individual's address of record or agent for  
34 notice and service as provided for in this article.

35 (c) The administrative suspension order shall contain the  
36 following:

- 37 (1) The reason for the suspension.
- 38 (2) A statement that the individual has the right, within 30 days,  
39 to appeal the administrative suspension order and request a hearing.

1 (3) A statement that any appeal hearing will be conducted under  
2 the provisions of the Administrative Procedure Act (Chapter 3.5  
3 (commencing with Section 11340) of Part 1 of Division 3 of Title  
4 2 of the Government Code) applicable to individuals who are  
5 denied licensure, including the filing of a statement of issues by  
6 the board setting forth the reasons for the administrative suspension  
7 of practice privileges and specifying the statutes and rules with  
8 which the individual must show compliance by producing proof  
9 at the hearing and in addition any particular matters that have come  
10 to the attention of the board and that would authorize the  
11 administrative suspension, or the revocation of practice privileges.

12 (d) The burden is on the holder of the suspended practice  
13 privilege to establish both qualification and fitness to practice  
14 under practice privileges.

15 (e) The administrative suspension shall continue in effect until  
16 terminated by an order of the board or the executive officer.

17 (f) Administrative suspension is not discipline and shall not  
18 preclude any individual from applying for a license to practice  
19 public accountancy in this state.

20 (g) Proceedings to appeal an administrative suspension order  
21 may be combined or coordinated with proceedings for revocation  
22 or discipline of a practice privilege.

23 (h) This section shall become operative on July 1, 2013.

24 (i) This section shall remain in effect only until January 1, 2019,  
25 and as of that date is repealed, unless a later enacted statute, that  
26 is enacted before January 1, 2019, deletes or extends that date.

27 ~~SEC. 7.~~

28 *SEC. 8.* Section 5096.4 of the Business and Professions Code,  
29 as added by Section 21 of Chapter 411 of the Statutes of 2012, is  
30 amended to read:

31 5096.4. (a) The right of an individual to practice in this state  
32 under a practice privilege may be administratively suspended at  
33 any time by an order issued by the board or its executive officer,  
34 without prior notice or hearing, for the purpose of conducting a  
35 disciplinary investigation, proceeding, or inquiry concerning the  
36 representations made in the notice, the individual's competence  
37 or qualifications to practice under practice privileges, failure to  
38 timely respond to a board inquiry or request for information or  
39 documents, or under other conditions and circumstances provided  
40 for by board regulation.

1 (b) The administrative suspension order is immediately effective  
2 when mailed to the individual’s address of record or agent for  
3 notice and service as provided for in this article.

4 (c) The administrative suspension order shall contain the  
5 following:

6 (1) The reason for the suspension.

7 (2) A statement that the individual has the right, within 30 days,  
8 to appeal the administrative suspension order and request a hearing.

9 (3) A statement that any appeal hearing will be conducted under  
10 the Administrative Procedure Act (Chapter 3.5 (commencing with  
11 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
12 Code) applicable to individuals who are denied licensure, including  
13 the filing of a statement of issues by the board setting forth the  
14 reasons for the administrative suspension of practice privileges  
15 and specifying the statutes and rules with which the individual  
16 must show compliance by producing proof at the hearing and in  
17 addition any particular matters that have come to the attention of  
18 the board and that would authorize the administrative suspension,  
19 or the denial of practice privileges.

20 (d) The burden is on the holder of the suspended practice  
21 privilege to establish both qualification and fitness to practice  
22 under practice privileges.

23 (e) The administrative suspension shall continue in effect until  
24 terminated by an order of the board or the executive officer or  
25 expiration of the practice privilege under administrative suspension.

26 (f) Administrative suspension is not discipline and shall not  
27 preclude any individual from applying for a license to practice  
28 public accountancy in this state or from applying for a new practice  
29 privilege upon expiration of the one under administrative  
30 suspension, except that the new practice privilege shall not be  
31 effective until approved by the board.

32 (g) Notwithstanding any administrative suspension, a practice  
33 privilege expires one year from the date of notice unless a shorter  
34 period is set by board regulation.

35 (h) Proceedings to appeal an administrative suspension order  
36 may be combined or coordinated with proceedings for denial or  
37 discipline of a practice privilege.

38 (i) This section shall become operative on January 1, 2019.

1     ~~SEC. 8.~~

2     *SEC. 9.* Section 6730.2 of the Business and Professions Code  
3 is amended to read:

4     6730.2. (a) It is the intent of the Legislature that the registration  
5 requirements that are imposed upon private sector professional  
6 engineers and engineering partnerships, firms, or corporations  
7 shall be imposed upon the state and any city, county, or city and  
8 county that shall adhere to those requirements. Therefore, for the  
9 purposes of Section 6730 and this chapter, at least one registered  
10 engineer shall be designated the person in responsible charge of  
11 professional engineering work for each branch of professional  
12 engineering practiced in any department or agency of the state,  
13 city, county, or city and county.

14     (b) Any department or agency of the state or any city, county,  
15 or city and county that has an unregistered person in responsible  
16 charge of engineering work on January 1, 1985, shall be exempt  
17 from this requirement until that time as the person currently in  
18 responsible charge is replaced.

19     (c) The designated person in responsible charge of professional  
20 engineering work of any department or agency of the state, city,  
21 county, city and county, district, or special district pursuant to this  
22 section is responsible for ensuring compliance with subdivisions  
23 (b) and (c) of Section 8771.

24     ~~SEC. 9.~~

25     *SEC. 10.* Section 6735 of the Business and Professions Code  
26 is amended to read:

27     6735. (a) All civil (including structural and geotechnical)  
28 engineering plans, calculations, specifications, and reports  
29 (hereinafter referred to as “documents”) shall be prepared by, or  
30 under the responsible charge of, a licensed civil engineer and shall  
31 include his or her name and license number. Interim documents  
32 shall include a notation as to the intended purpose of the document,  
33 such as “preliminary,” “not for construction,” “for plan check  
34 only,” or “for review only.” All civil engineering plans and  
35 specifications that are permitted or that are to be released for  
36 construction shall bear the signature and seal or stamp of the  
37 licensee and the date of signing and sealing or stamping. All final  
38 civil engineering calculations and reports shall bear the signature  
39 and seal or stamp of the licensee, and the date of signing and  
40 sealing or stamping. If civil engineering plans are required to be

1 signed and sealed or stamped and have multiple sheets, the  
2 signature, seal or stamp, and date of signing and sealing or  
3 stamping shall appear on each sheet of the plans. If civil  
4 engineering specifications, calculations, and reports are required  
5 to be signed and sealed or stamped and have multiple pages, the  
6 signature, seal or stamp, and date of signing and sealing or  
7 stamping shall appear at a minimum on the title sheet, cover sheet,  
8 or signature sheet.

9 (b) All civil engineering plans, calculations, specifications, and  
10 reports for the construction of the following structures shall be  
11 prepared by, or under the responsible charge of, a licensed civil  
12 engineer who is also licensed as a structural engineer in accordance  
13 with Section 6736:

14 (1) Hospitals and other medical facilities having surgery and  
15 emergency treatment areas, as provided under Part 7 (commencing  
16 with Section 129675) of Division 107 of the Health and Safety  
17 Code.

18 (2) All public school facilities, as provided under Chapter 3  
19 (commencing with Section 17251) of Part 10.5 of Division 1 of  
20 Title 1 of the Education Code.

21 (c) Notwithstanding subdivision (a) or (b), a licensed civil  
22 engineer who signs civil engineering documents shall not be  
23 responsible for damage caused by subsequent changes to or uses  
24 of those documents, if the subsequent changes or uses, including  
25 changes or uses made by state or local governmental agencies, are  
26 not authorized or approved by the licensed civil engineer who  
27 originally signed the documents, provided that the engineering  
28 service rendered by the civil engineer who signed the documents  
29 was not also a proximate cause of the damage.

30 ~~SEC. 10.~~

31 *SEC. 11.* Section 6759 of the Business and Professions Code  
32 is amended to read:

33 6759. The board, upon application therefor, on its prescribed  
34 form, and the payment of the fee fixed by this chapter, may issue  
35 a certificate of registration as a professional engineer, without  
36 written examination, to any person holding a certificate of  
37 registration issued to him or her by any state or country when the  
38 applicant's qualifications meet the requirements of this chapter  
39 and rules established by the board. The board shall not require a  
40 comity applicant to meet any requirement not required of California

1 applicants. For purposes of this section, equivalent second division  
2 examinations shall be written examinations prepared by or  
3 administered by a state or territory either by single or combined  
4 branch at the level generally administered by the board to persons  
5 who passed or were exempted from the first division examination.  
6 Applicants who have passed an equivalent second division  
7 combined branch or a single branch examination in a branch not  
8 recognized for registration in California shall be registered in the  
9 branch in which their experience and education indicate the closest  
10 relationship.

11 ~~SEC. 11.~~

12 *SEC. 12.* Section 7011.4 of the Business and Professions Code  
13 is amended to read:

14 7011.4. (a) Notwithstanding Section 7011, there is in the  
15 Contractors' State License Board, a separate enforcement division  
16 that shall rigorously enforce this chapter prohibiting all forms of  
17 unlicensed activity.

18 (b) Persons employed as enforcement representatives of the  
19 Contractors' State License Board and designated by the Director  
20 of Consumer Affairs shall have the authority to issue a written  
21 notice to appear in court pursuant to Chapter 5c (commencing with  
22 Section 853.5) of Title 3 of Part 2 of the Penal Code. An employee  
23 so designated is not a peace officer and is not entitled to safety  
24 member retirement benefits as a result of that designation. He or  
25 she does not have the power of arrest.

26 ~~SEC. 12.~~ Section 7685 of the Business and Professions Code  
27 is amended to read:

28 ~~7685.~~ (a) (1) Every funeral director shall provide to any  
29 person, upon beginning discussion of prices or of the funeral goods  
30 and services offered, a written or printed list containing, but not  
31 necessarily limited to, the price for professional services offered,  
32 which may include the funeral director's services, the preparation  
33 of the body, the use of facilities, and the use of automotive  
34 equipment. All services included in this price or prices shall be  
35 enumerated. The funeral director shall also provide a statement on  
36 that list that gives the price range for all caskets offered for sale.

37 (2) The list shall also include a statement indicating that the  
38 survivor of the deceased who is handling the funeral arrangements,  
39 or the responsible party, is entitled to receive, prior to the drafting  
40 of any contract, a copy of any preneed agreement that has been

1 signed and paid for, in full or in part, by or on behalf of the  
2 deceased, and that is in the possession of the funeral establishment.

3 ~~(3) The funeral director shall also provide a written statement  
4 or list that, at a minimum, specifically identifies a particular casket  
5 or caskets by price and by thickness of metal, or type of wood, or  
6 other construction, interior and color, in addition to other casket  
7 identification requirements under Part 453 of Title 16 of the Code  
8 of Federal Regulations and any subsequent version of this  
9 regulation, when a request for specific information on a casket or  
10 caskets is made in person by any individual. Prices of caskets and  
11 other identifying features such as thickness of metal, or type of  
12 wood, or other construction, interior and color, in addition to other  
13 casket identification requirements required to be given over the  
14 telephone by Part 453 of Title 16 of the Code of Federal  
15 Regulations and any subsequent version of this regulation, shall  
16 be provided over the telephone, if requested.~~

17 ~~(b) (1) Each licensed funeral establishment that maintains an  
18 Internet Web site shall post on its Internet Web site the list of  
19 funeral goods and services that are required to be included in the  
20 establishment's general price list, pursuant to federal rule, and a  
21 statement that the general price list is available upon request.~~

22 ~~(2) Information posted pursuant to paragraph (1) shall be  
23 provided by a link from the home page of the Internet Web site  
24 using the words "price information" or a similar phrase that  
25 includes the word "price."~~

26 ~~(3) An establishment that posts on its Internet Web site home  
27 page the words "price information" or a similar phrase that includes  
28 the word "price," with a link that leads to the establishment's  
29 general price list, need not comply with paragraph (1) or (2).~~

30 ~~(4) Nothing in this subdivision shall be construed to affect an  
31 establishment's obligations under federal or state law effective  
32 prior to January 1, 2013.~~

33 SEC. 13. Section 7842 of the Business and Professions Code  
34 is amended to read:

35 7842. An applicant for certification in a specialty in geology  
36 shall meet all of the requirements of Section 7841 and, in addition,  
37 his or her seven years of professional geological work shall include  
38 one of the following:

39 (a) A minimum of three years performed under the supervision  
40 of a geologist certified in the specialty for which the applicant is

1 seeking certification or under the supervision of a registered civil  
2 engineer if the applicant is seeking certification as an engineering  
3 geologist, except that prior to July 1, 1970, professional geological  
4 work shall qualify under this subdivision if it is performed under  
5 the supervision of a geologist qualified in the specialty for which  
6 the applicant is seeking certification or under the supervision of a  
7 registered civil engineer if the applicant is seeking certification as  
8 an engineering geologist.

9 (b) A minimum of five years' experience in responsible charge  
10 of professional geological work in the specialty for which the  
11 applicant is seeking certification.

12 SEC. 14. Section 7860 of the Business and Professions Code  
13 is amended to read:

14 7860. (a) The board may, upon its own initiative or upon the  
15 receipt of a complaint, investigate the actions of any professional  
16 geologist or geophysicist, and make findings thereon.

17 (b) By a majority vote, the board may publicly reprove, suspend  
18 for a period not to exceed two years, or revoke the certificate of  
19 any geologist or geophysicist registered hereunder, on any of the  
20 following grounds:

21 (1) Conviction of a crime substantially related to the  
22 qualifications, functions, or duties of a geologist or geophysicist.

23 (2) Misrepresentation, fraud, or deceit by a geologist or  
24 geophysicist in his or her practice.

25 (3) Negligence or incompetence by a geologist or geophysicist  
26 in his or her practice.

27 (4) Violation of any contract undertaken in the capacity of a  
28 geologist or geophysicist.

29 (5) Fraud or deceit in obtaining a certificate to practice as a  
30 geologist or geophysicist.

31 (c) By a majority vote, the board may publicly reprove, suspend  
32 for a period not to exceed two years, or may revoke the certificate  
33 of any geologist or geophysicist registered under this chapter, for  
34 unprofessional conduct. Unprofessional conduct includes, but is  
35 not limited to, any of the following:

36 (1) Aiding or abetting any person in a violation of this chapter  
37 or any regulation adopted by the board pursuant to this chapter.

38 (2) Violating this chapter or any regulation adopted by the board  
39 pursuant to this chapter.

1 (3) Conduct in the course of practice as a geologist or  
2 geophysicist that violates professional standards adopted by the  
3 board.

4 SEC. 15. Section 7864 is added to the Business and Professions  
5 Code, to read:

6 7864. (a) A petitioner may petition the board for reinstatement  
7 or modification of penalty, including reduction, modification, or  
8 termination of probation, after the following minimum periods  
9 have elapsed from the effective date of the decision ordering the  
10 disciplinary action, or if the order of the board or any portion of  
11 it is stayed by a court, from the date the disciplinary action is  
12 actually implemented in its entirety:

13 (1) Except as otherwise provided in this section, at least three  
14 years for reinstatement of a certificate that was revoked or  
15 surrendered. However, the board may, in its sole discretion, specify  
16 in its order of revocation or surrender a lesser period of time that  
17 shall be at a minimum of one year.

18 (2) At least two years for early termination of a probation period  
19 of three years or more.

20 (3) At least one year for early termination of a probation period  
21 of less than three years.

22 (4) At least one year for reduction or modification of a condition  
23 of probation.

24 (b) The board shall notify the Attorney General of the filing of  
25 the petition. The petitioner and the Attorney General shall be given  
26 timely notice by letter of the time and place of the hearing on the  
27 petition, and the petitioner and the Attorney General shall be given  
28 the opportunity to present both oral and documentary evidence  
29 and argument to the board. The petitioner shall at all times have  
30 the burden of proof to establish by clear and convincing evidence  
31 that he or she is entitled to the relief sought in the petition.

32 (c) The board itself or an administrative law judge, if one is  
33 designated by the board, shall hear the petition and shall prepare  
34 a written decision setting forth the reasons supporting the decision.

35 (d) The board may grant or deny the petition or may impose  
36 any terms and conditions that it reasonably deems appropriate as  
37 a condition of reinstatement or reduction or modification of the  
38 penalty.

39 (e) A petition shall not be considered while the petitioner is  
40 under sentence for any criminal offense, including any period

1 during which the petitioner is on court-imposed probation or parole.  
2 A petition shall not be considered while there is an accusation or  
3 petition to revoke probation pending against the petitioner.

4 (f) The board may, in its discretion, deny without hearing or  
5 argument any petition that is filed pursuant to this section within  
6 a period of two years from the effective date of a prior decision  
7 following a hearing under this section.

8 (g) Judicial review of the board’s decision following a hearing  
9 under this section may be sought by way of a petition for writ of  
10 administrative mandamus pursuant to Section 1094.5 of the Code  
11 of Civil Procedure. The party seeking to overturn the board’s  
12 decision shall have the burden of proof in any mandamus  
13 proceeding. In the mandamus proceeding, if it is alleged that there  
14 has been an abuse of discretion because the board’s findings are  
15 not supported by the evidence, abuse of discretion is established  
16 if the court determines that the findings are not supported by  
17 substantial evidence in light of the whole record.

18 (h) The following definitions shall apply for purposes of this  
19 section:

20 (1) “Certificate” includes a certificate of registration or license  
21 as a professional geologist or professional geophysicist or  
22 certification as a geologist-in-training.

23 (2) “Petitioner” means a professional geologist or professional  
24 geophysicist or a geologist-in-training whose certificate has been  
25 revoked, suspended, or surrendered or placed on probation.

26 SEC. 16. Section 8725.1 is added to the Business and  
27 Professions Code, to read:

28 8725.1. It is the intent of the Legislature that the registration  
29 requirements that are imposed upon private sector professional  
30 land surveyors and land surveying partnerships, firms, or  
31 corporations shall be imposed upon the state and any city, county,  
32 and city and county that shall adhere to those requirements.  
33 Therefore, for the purposes of Section 8725 and this chapter, at  
34 least one person authorized to practice land surveying shall be  
35 designated the person in responsible charge of professional land  
36 surveying work practiced in any department or agency of the state,  
37 city, county, city and county, district, or special district.

38 SEC. 17. Section 8771 of the Business and Professions Code  
39 is amended to read:

1 8771. (a) Monuments set shall be sufficient in number and  
2 durability and efficiently placed so as not to be readily disturbed,  
3 to assure, together with monuments already existing, the  
4 perpetuation or facile reestablishment of any point or line of the  
5 survey.

6 (b) When monuments exist that control the location of  
7 subdivisions, tracts, boundaries, roads, streets, or highways, or  
8 provide horizontal or vertical survey control, the monuments shall  
9 be located and referenced by or under the direction of a licensed  
10 land surveyor or registered civil engineer prior to the time when  
11 any streets, highways, other rights-of-way, or easements are  
12 improved, constructed, reconstructed, maintained, resurfaced, or  
13 relocated, and a corner record or record of survey of the references  
14 shall be filed with the county surveyor.

15 (c) A permanent monument shall be reset in the surface of the  
16 new construction or a witness monument or monuments set to  
17 perpetuate the location if any monument could be destroyed,  
18 damaged, covered, disturbed, or otherwise obliterated, and a corner  
19 record or record of survey shall be filed with the county surveyor  
20 prior to the recording of a certificate of completion for the project.  
21 Sufficient controlling monuments shall be retained or replaced in  
22 their original positions to enable property, right-of-way and  
23 easement lines, property corners, and subdivision and tract  
24 boundaries to be reestablished without devious surveys necessarily  
25 originating on monuments differing from those that currently  
26 control the area.

27 (d) The governmental agency performing or permitting  
28 construction or maintenance work is responsible for ensuring that  
29 either the governmental agency or landowner performing the  
30 construction or maintenance work provides for monument  
31 perpetuation required by this section.

32 (e) It shall be the duty of every land surveyor or civil engineer  
33 to assist the governmental agency in matters of maps, field notes,  
34 and other pertinent records. Monuments set to mark the limiting  
35 lines of highways, roads, streets or right-of-way or easement lines  
36 shall not be deemed adequate for this purpose, unless specifically  
37 noted on the corner record or record of survey of the improvement  
38 works with direct ties in bearing or azimuth and distance between  
39 these and other monuments of record.

1 (f) The decision to file either the required corner record or a  
2 record of survey pursuant to subdivision (b) or (c) shall be at the  
3 election of the licensed land surveyor or registered civil engineer  
4 submitting the document.

5 SEC. 18. Section 17901 of the Business and Professions Code  
6 is amended to read:

7 17901. As used in this chapter, “general partner” means:

8 (a) In the case of a partnership, a general partner, as defined in  
9 Section 15901.02 of the Corporations Code.

10 (b) In the case of an unincorporated association other than a  
11 partnership, a person interested in the business of the association  
12 whose liability with respect to the association is substantially the  
13 same as that of a general partner, as defined in Section 15901.02  
14 of the Corporations Code.

15 SEC. 19. Section 17913 of the Business and Professions Code  
16 is amended to read:

17 17913. (a) The fictitious business name statement shall contain  
18 all of the information required by this subdivision and shall be  
19 substantially in the following form:

20  
21 FICTITIOUS BUSINESS NAME STATEMENT

22 The following person (persons) is (are) doing business as

23 \* \_\_\_\_\_

24 at \*\* \_\_\_\_\_:

25 \*\*\* \_\_\_\_\_

26 \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_

29 This business is conducted by \*\*\*\* \_\_\_\_\_

30 The registrant commenced to transact business under the fictitious business  
31 name or names listed above on

32 \*\*\*\*\* \_\_\_\_\_

33 I declare that all information in this statement is true and correct. (A registrant  
34 who declares as true any material matter pursuant to Section 17913 of the  
35 Business and Professions Code that the registrant knows to be false is guilty  
36 of a misdemeanor punishable by a fine not to exceed one thousand dollars  
37 (\$1,000).)

38 Registrant signature \_\_\_\_\_

39 Statement filed with the County Clerk of \_\_\_\_ County on \_\_\_\_\_

40

1 NOTICE—IN ACCORDANCE WITH SUBDIVISION (a) OF  
2 SECTION 17920, A FICTITIOUS NAME STATEMENT  
3 GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM  
4 THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF  
5 THE COUNTY CLERK, EXCEPT, AS PROVIDED IN  
6 SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES  
7 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH  
8 IN THE STATEMENT PURSUANT TO SECTION 17913  
9 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS  
10 OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS  
11 NAME STATEMENT MUST BE FILED BEFORE THE  
12 EXPIRATION.

13 THE FILING OF THIS STATEMENT DOES NOT OF ITSELF  
14 AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS  
15 BUSINESS NAME IN VIOLATION OF THE RIGHTS OF  
16 ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW  
17 (SEE SECTION 14411 ET SEQ., BUSINESS AND  
18 PROFESSIONS CODE).

19

20 (b) The fictitious business name statement shall contain the  
21 following information set forth in the manner indicated in the form  
22 provided by subdivision (a):

23 (1) Where the asterisk (\*) appears in the form, insert the  
24 fictitious business name or names. Only those businesses operated  
25 at the same address and under the same ownership may be listed  
26 on one fictitious business name statement.

27 (2) Where the two asterisks (\*\*) appear in the form: If the  
28 registrant has a place of business in this state, insert the street  
29 address, and county, of his or her principal place of business in  
30 this state. If the registrant has no place of business in this state,  
31 insert the street address, and county, of his or her principal place  
32 of business outside this state.

33 (3) Where the three asterisks (\*\*\*) appear in the form: If the  
34 registrant is an individual, insert his or her full name and residence  
35 address. If the registrants are a married couple, insert the full name  
36 and residence address of both parties to the marriage. If the  
37 registrant is a general partnership, copartnership, joint venture, or  
38 limited liability partnership, insert the full name and residence  
39 address of each general partner. If the registrant is a limited  
40 partnership, insert the full name and residence address of each

1 general partner. If the registrant is a limited liability company,  
2 insert the name and address of the limited liability company, as  
3 set out in its articles of organization on file with the California  
4 Secretary of State, and the state of organization. If the registrant  
5 is a trust, insert the full name and residence address of each trustee.  
6 If the registrant is a corporation, insert the name and address of  
7 the corporation, as set out in its articles of incorporation on file  
8 with the California Secretary of State, and the state of  
9 incorporation. If the registrants are state or local registered  
10 domestic partners, insert the full name and residence address of  
11 each domestic partner. If the registrant is an unincorporated  
12 association other than a partnership, insert the name of each person  
13 who is interested in the business of the association and whose  
14 liability with respect to the association is substantially the same  
15 as that of a general partner.

16 (4) Where the four asterisks (\*\*\*\*) appear in the form, insert  
17 whichever of the following best describes the nature of the  
18 business: (i) “an individual,” (ii) “a general partnership,” (iii) “a  
19 limited partnership,” (iv) “a limited liability company,” (v) “an  
20 unincorporated association other than a partnership,” (vi) “a  
21 corporation,” (vii) “a trust,” (viii) “copartners,” (ix) “a married  
22 couple,” (x) “joint venture,” (xi) “state or local registered domestic  
23 partners,” or (xii) “a limited liability partnership.”

24 (5) Where the five asterisks (\*\*\*\*\* ) appear in the form, insert  
25 the date on which the registrant first commenced to transact  
26 business under the fictitious business name or names listed, if  
27 already transacting business under that name or names. If the  
28 registrant has not yet commenced to transact business under the  
29 fictitious business name or names listed, insert the statement, “Not  
30 applicable.”

31 (c) The registrant shall declare that all of the information in the  
32 fictitious business statement is true and correct. A registrant who  
33 declares as true any material matter pursuant to this section that  
34 the registrant knows to be false is guilty of a misdemeanor  
35 punishable by a fine not to exceed one thousand dollars (\$1,000).

36 (d) (1) At the time of filing of the fictitious business name  
37 statement, the registrant filing on behalf of the registrant shall  
38 present personal identification in the form of a California driver’s  
39 license or other government identification acceptable to the county  
40 clerk to adequately determine the identity of the registrant filing

1 on behalf of the registrant as provided in subdivision (e) and the  
2 county clerk may require the registrant to complete and sign an  
3 affidavit of identity.

4 (2) In the case of a registrant utilizing an agent for submission  
5 of the registrant's fictitious business name statement for filing, at  
6 the time of filing of the fictitious business name statement, the  
7 agent filing on behalf of the registrant shall present personal  
8 identification in the form of a California driver's license or other  
9 government identification acceptable to the county clerk to  
10 adequately determine the identity of the agent filing on behalf of  
11 the registrant as provided in subdivision (e). The county clerk may  
12 also require the agent to submit a notarized statement signed by  
13 the registrant declaring the registrant has authorized the agent to  
14 submit the filing on behalf of the registrant.

15 (e) If the registrant is a corporation, a limited liability company,  
16 a limited partnership, or a limited liability partnership, the county  
17 clerk may require documentary evidence issued by the Secretary  
18 of State and deemed acceptable by the county clerk, indicating the  
19 current existence and good standing of that business entity to be  
20 attached to a completed and notarized affidavit of identity, for  
21 purposes of subdivision (d).

22 (f) The county clerk may require a registrant that mails a  
23 fictitious business name statement to a county clerk's office for  
24 filing to submit a completed and notarized affidavit of identity. A  
25 registrant that is a corporation, limited liability company, limited  
26 partnership, or limited liability partnership, if required by the  
27 county clerk to submit an affidavit of identity, shall also submit  
28 documentary evidence issued by the Secretary of State indicating  
29 the current existence and good standing of that business entity.

30 (g) A county clerk that chooses to establish procedures pursuant  
31 to this section shall prescribe the form of affidavit of identity for  
32 filing by a registrant in that county.

33 SEC. 20. Section 17914 of the Business and Professions Code  
34 is amended to read:

35 17914. The fictitious business name statement shall be signed  
36 as follows:

37 (a) If the registrant is an individual, by the individual.

38 (b) If the registrants are a married couple, by either party to the  
39 marriage.

1 (c) If the registrant is a general partnership, limited partnership,  
2 limited liability partnership, copartnership, joint venture, or  
3 unincorporated association other than a partnership, by a general  
4 partner.

5 (d) If the registrant is a limited liability company, by a manager  
6 or officer.

7 (e) If the registrant is a trust, by a trustee.

8 (f) If the registrant is a corporation, by an officer.

9 (g) If the registrant is a state or local registered domestic  
10 partnership, by one of the domestic partners.

11 SEC. 21. Section 17916 of the Business and Professions Code  
12 is amended to read:

13 17916. Presentation for filing of an original fictitious business  
14 name statement and one copy of the statement, with proper  
15 identification, accompanied by a completed and notarized affidavit  
16 of identity, if required by the county clerk, and other documents  
17 required in accordance with Section 17913, payment of the filing  
18 fee, and acceptance of the statement by the county clerk constitute  
19 filing under this chapter. The county clerk shall note on the copy  
20 the file number, the date of filing the original, and the date of  
21 expiration and shall certify and deliver the copy to the registrant  
22 or the registrant's agent.

23 SEC. 22. Section 22454 of the Business and Professions Code  
24 is amended to read:

25 22454. (a) At least one person involved in the management  
26 of a professional photocopier shall be required to hold a current  
27 commission from the Secretary of State as a notary public in this  
28 state. If the notary commission is held by someone other than the  
29 registrant, written confirmation from the notary authorizing the  
30 use of their commission for this registration is required.

31 (b) The notary commission shall remain valid during the  
32 two-year period that the professional photocopier's certificate of  
33 registration is effective. The registrant shall notify the county clerk  
34 and provide an updated valid notary commission if the commission  
35 expires prior to the expiration of the certificate of registration.

36 SEC. 23. No reimbursement is required by this act pursuant to  
37 Section 6 of Article XIII B of the California Constitution for certain  
38 costs that may be incurred by a local agency or school district  
39 because, in that regard, this act creates a new crime or infraction,  
40 eliminates a crime or infraction, or changes the penalty for a crime

1 or infraction, within the meaning of Section 17556 of the  
2 Government Code, or changes the definition of a crime within the  
3 meaning of Section 6 of Article XIII B of the California  
4 Constitution.

5 However, if the Commission on State Mandates determines that  
6 this act contains other costs mandated by the state, reimbursement  
7 to local agencies and school districts for those costs shall be made  
8 pursuant to Part 7 (commencing with Section 17500) of Division  
9 4 of Title 2 of the Government Code.

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